IN THE HIGH COURT OF UTTRANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 11th day of March 2004
4th Criminal Misc. Bail Application No. 1208/2003
Order on the bail application of accused.

CRIMINAL SIDE

D.K. Jain
S/o Sri Jiyalal Jain
R/o G-11, Race Course,
Dehradun, District Dehradun .…….Applicant.

Versus

State of Uttaranchal ..Opposite party.

Arising out of case crime No. R.C. 6(A) /2001 D.A. D.
U/S 120-B, 420, 471, 477A and 201 I.P.C. and Section 13(2) read with section 13(1)(d) of P.C. Act
P.S. C.B.I.
District Dehradun

By the court

Hon'ble Irshad Hussain J.

Heard Sri Lokendra Dobhal learned counsel for the applicant and Sri U.K. Uniyal learned counsel for C.B.I.

This is fourth bail application. Earlier applications have been rejected on merit. In view of the order dated 26.6.2003 of the Hon'ble Supreme Court the present application has been moved. The liberty had been given to move the bail application, in case there is delay in the disposal of the trial at the instance of the prosecution. Drawing attention to the copy of the order sheet of the Sessions Trial, learned counsel for the applicant–accused submitted that despite number of dates have been fixed the trial has not been concluded, although it had been pending for the last about two years. On the other hand, learned counsel for the C.B.I. pointed out that as many as eleven prosecution witnesses have been produced and that there has not been any laxity on the part of the prosecution in the matter of early disposal of the Sessions Trial.

Having gone through the copy of the order sheet of the case, it is evident that the witnesses have been subjected to lengthy cross-examination resulting which the evidence of one witness got to be recorded on many dates. Apart from this, the Sessions Trial got

adjourned on number of dates to the lawyers' strike. There is nothing to show that the prosecution has not been able to produce its witnesses and considering this there is no cogent ground to release the applicant –accused on bail. The bail application is therefore dismissed.

Considering the pendency of the trial for a sufficiently long period it is directed that the learned Additional Sessions Judge (C.B.I. Court) shall expedite the trial and preferably the same shall be taken up for recording of the evidence on day-to-day basis. If necessary, the attendance of the witnesses may be ensured by resorting to coercive measures. Let the copy of the order be sent to the Additional Sessions Judge concerned.

(**Irshad Hussain J.)**

Dated: 11.3.2004
Rawat